



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen J. Brown Attorney Docket No.: HERO-1-1025
Serial No.: 09/422,046 Group Art Unit: 2761
Filing Date: October 20, 1999 Examiner: A. Kalinowski
Title: REMOTE HEALTH MONITORING AND MAINTENANCE SYSTEM

AFFIDAVIT UNDER 37 C.F.R. § 1.131

TO THE COMMISSIONER OF PATENTS:

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Technology Center 2100


I, Stephen J. Brown, do hereby declare that:

1. I am the inventor of the above-identified application.
2. The Office Action is currently rejecting the claims of the above-identified patent application as being anticipated by U.S. Patent No. 5,339,821 to Fugimoto. This reference has an effective date of October 26, 1992 in the United States.
3. Prior to the effective date of the Fugimoto reference, I received a draft of the patent application (copy enclosed with blackened out dates) from Mr. Jim Anable at Christensen O'Connor Johnson & Kindness. Soon after that time and still prior to the effective date of the Fugimoto reference, I sent a letter (copy is enclosed and dates are blackened) to Mr. Jim Anable replying to the draft patent application that he sent.
4. On November 17, 1992 I had instructions delivered to Jim Anable to file the application.
5. Mr. Jim Anable assured me that the time interval between when I sent my replies to the application draft and when he generated a final draft of the application was diligently prepared and filed.

BLACK LOWE & GRAHAM^{PLLC}

6. Pursuant to the requirements of 28 U.S.C. § 1746, I declare under penalty of perjury that the forgoing is true and correct.

Dated this 30 day of January, 2002.



Stephen J. Brown